

50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Mildred and Eldred's commitment to the principles and values of their marriage deserves to be saluted and recognized.

TERM LIMITS

Mr. ALLARD. Mr. President, first I would like to thank my colleague from Missouri for taking the lead on this important issue of term-limits. Term-limits has been a concern of the people of Colorado for many years. They have said time and time again that the hour has come for Congressional term-limits and I share this belief. That is why I am a proud sponsor of Senate Joint Resolution 16, the Ashcroft-Thompson Term Limitation bill which limits Representatives to 6 years in the House and Senators to 12 years in the Senate.

In 1990 with 71 percent of the vote, the State of Colorado was the first State to pass a constitutional amendment limiting the number of years for Congressional Members—12 years in the House of Representatives and 12 years in the Senate. Four years later, Colorado passed a more restrictive term limit initiative of 6 years in the House and 12 years in the Senate. Since 1990, 22 other States passed some form of term-limits with the support of over 25 million Americans. However, in 1995, the Supreme Court ruled that State set term-limits for Federal officials were unconstitutional. With the Supreme Court's decision in mind, Colorado voters passed amendment 12 in 1996. The Term Limits Initiative calls for Colorado's elected officials to introduce term-limit legislation, vote in favor of the Congressional Term Limits Amendment, and states that if a member of the congressional delegation does not vote in favor of the amendment then the designation of disregarded voter instruction on term-limits next to their name on the ballot.

Mr. President, at this time I ask unanimous consent to insert into the RECORD a copy of the amendment 12 language at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLARD. Mr. President, while I believe that States should have the opportunity to set limits for their elected officials, as Colorado has done on a number of occasions, the Supreme Court's decision has left this important decision up to us. Some have argued that there is little chance that Members of Congress will ever limit their own terms and thereby limit their power. While there is some merit to this argument, I must say that this gives us a great opportunity to show that we, as elected officials, can heed the will of the people and impose term-limits on ourselves.

I began fighting for term-limits while in the State Senate of Colorado and was one of four State Senators to stand-up on the Colorado Senate floor

in favor of them. As a Member of the House of Representatives, I introduced and co-sponsored numerous pieces of term-limit legislation. I was very proud to be a part of the 104th Congress where we voted for the first time in history on a term-limit constitutional amendment.

I have always believed that our elected officials should be citizen legislators. Citizens from all walks of life with new ideas, thoughts and private work experience fresh in their memory should have a chance to serve. Term-limits will ensure that lawmakers do not become too far-removed from their constituents and will allow more citizens the opportunity to serve. Our legislatures will have a better understanding of main street and how their laws and actions affect the everyday lives of working men and women.

We find the concept of a citizen legislature in the very foundation of this country. In Article 57 of the Federalist Papers, my most admired historical figure, James Madison wrote:

The aim of every political constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of society; and in the next place, to take the most effectual precautions for keeping them virtuous whilst they continue to hold their public trust. The elective mode of obtaining rulers is the characteristic policy of republican government. The means relied on in this form of government for preventing their degeneracy are numerous and various. The most effectual one is such a limitation of the term of appointments as will maintain a proper responsibility to the people.

Mr. President, I wholeheartedly agree with Mr. Madison and his assessment. Despite the large classes in 1994 and 1996, incumbent re-election rates still exceed 90 percent. Term-limits at the State and local levels have made our elections more open and competitive thereby opening the doors to all Americans and allowing for a more diverse legislature. Federal elections would be re-energized by opening-up politics to many people who have been excluded by career incumbents. If people call for more representation by women and minorities, then they should be strong supporters of term-limits. In 1992, 22 of the 24 new women elected to the U.S. House of Representatives were elected in open seats, but only 2 of the 42 women candidates who challenged an incumbent were successful.

While I agree with many who call for campaign finance reform, only term-limits will truly change the incentives for seeking office. They are a positive tool to break the cycle of excluding those citizens who want to run for election to Federal office but cannot overcome the largest obstacle of all—incumbency and name identification—regardless of the campaign laws and the amount spent on a campaign.

I have also heard that if the Framers believed term-limits were so important, they would have placed them in the Constitution from the outset. This is the same argument I hear con-

cerning the Balanced Budget amendment. My belief is that the Framers never thought persistent deficits or spending one's career in political office would be a problem. They believed that serving would always be a brief period in one's life and would never be seen as a career. However, it is now clear that only a Constitutional amendment getting term-limits will ensure that the citizen legislator is reestablished as envisioned by the Framers of the Constitution.

I am pleased to carry on the tradition and hard work of my predecessor Senator Hank Brown. Senator Brown was a leader in this body for term-limits and I am proud to serve in a like manner and continue to fight for term-limits and the will of the people of Colorado.

Mr. President, early in this session, we will have an opportunity to make good on our campaign promises on term-limits. We must bring business-as-usual to an end and return the power back to the people. I urge all my colleagues to join this fight and begin to make true changes in the way this Congress operates. It is time to bring back the citizen legislator and reconnect our elected officials to the people whom they serve.

EXHIBIT 1

PROPOSAL OF TEXT OF AMENDMENT 12—TERM LIMITS

Be it Enacted by the People of the State of Colorado:

Article XVIII, section 12.

(1) CONGRESSIONAL TERM LIMITS AMENDMENT.

The exact language for addition to the United States Constitution follows:

Section 1: No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section 2: No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve for more than one additional term.

Section 3: This amendment shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures of three-fourths of the several states.

(2) VOTER INSTRUCTION TO STATE LEGISLATORS.

(a) The voters instruct each state legislator to vote to apply for an amendment-proposing convention under Article V of the United States Constitution and to ratify the Congressional Term Limits Amendment when referred to the states.

(b) All election ballots shall have "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" designated next to the name of each state legislator who fails to comply with the terms of subsection (5)(b).

(c) Said ballot designation shall not appear after the Colorado legislature has made an Article V application that has not been withdrawn and has ratified the Congressional Term Limits Amendment, when proposed.

(3) VOTER INSTRUCTION TO MEMBERS OF CONGRESS.

(a) The voters instruct each member of the congressional delegation to approve the Congressional Term Limits Amendment.

(b) All election ballots shall have "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" designated next to the name of each member of Congress who fails to comply with the terms of subsection (5)(b).

(c) Said ballot designation shall not appear after the Congressional Term Limits Amendment is before the states for ratification.

(4) VOTER INSTRUCTION TO NON-INCUMBENTS. The words "DECLINED TO TAKE PLEDGE TO SUPPORT TERM LIMITS" shall be designated on all primary and general election ballots next to the names of non-incumbent candidates for United States senator, United States representative, state senator, and state representative who have not signed the pledge to support term limits unless the Colorado legislature has ratified the Congressional Term Limits Amendment.

The pledge shall read:

I pledge to use all my legislative powers to enact the proposed Congressional Term Limits Amendment set forth in Article XVIII, section 12. If elected, I pledge to vote in such a way that the designation "DISREGARDED VOTER INSTRUCTION TERM LIMITS" will not appear next to my name.

Signature of Candidate:

(5) DESIGNATION PROCESS.

(a) The Colorado secretary of state shall determine these ballot designations. The ballot designation shall appear unless clear and convincing evidence establishes that the candidate has honored voter instructions or signed the pledge in this subsection (4). Challenges to designation or lack of designation shall be filed with the Colorado supreme court within 5 days of the determination and shall be decided within 21 days after filing. Determinations shall be made public 30 days or more before the Colorado secretary of state certifies the ballot.

(b) Non-compliance with voter instruction is demonstrated by any of the following actions with respect to the application or ratification by state legislators, and in the case of members of Congress referring the Congressional Term Limits Amendment for ratification, if the legislator:

- (i) fails to vote in favor when brought to a vote;
- (ii) fails to second if it lacks one;
- (iii) fails to vote in favor of all votes bringing the measure before any committee in which he or she serves;
- (iv) fails to propose or otherwise bring to a vote of the full legislative body, if necessary;
- (v) fails to vote against any attempt to delay, table or otherwise prevent a vote by the full legislative body or committee;
- (vi) fails in any way to ensure that all votes are recorded and made available to the public;
- (vii) fails to vote against any change, addition or modification; or
- (viii) fails to vote against any amendment with longer limits than the Congressional Term Limits Amendment.

(6) ENFORCEMENT.

Any legal challenge to this section 12 shall be an original action filed with the Colorado supreme court. All terms of this section 12 are severable.

Mr. THURMOND. Mr. President, I rise to discuss the pending nomination of Mr. Federico Peña, who has been nominated to serve as Secretary of Energy. The Armed Services Committee recently held a hearing to receive testimony from Mr. Peña on his views and positions relative to Department of Energy Programs that fall within the jurisdiction of the Armed Services Committee.

The purpose of the hearing was to explore Mr. Peña's proposals for the De-

partment's critical national security programs and to allow him the opportunity to establish a coherent record of his views regarding these programs. The Committee felt such a record needed to be established, because Mr. Peña has no background in national security matters and, prior to last week's hearing, he had no identifiable position on defense issues that Senators could use to assess his suitability to manage the Department's diverse national security activities.

I want to state very clearly that the purpose of this hearing was to provide Mr. Peña with an opportunity to discuss his views. It was never our intent to delay his nomination or to interfere with the customary reporting process for his nomination in any way. I worked very closely with Senator MURKOWSKI to ensure that this hearing focused only on the Department's defense missions and did not infringe on the Energy Committee's jurisdiction. Senator MURKOWSKI was exceptionally helpful in coordinating the activities of our two committees and I applaud his leadership in this matter.

Regarding Mr. Peña's qualifications, let me say that I find him to be intelligent, thoughtful, and a quick study. If confirmed, I believe he will bring much-needed management ability to the Department—something that has been lacking for the past 4 years. However, the members of the Armed Services Committee take the Department of Energy's national security and defense environmental cleanup missions very seriously. It is our responsibility to thoroughly assess the qualifications of those nominated to head this agency and make public our findings and concerns.

Mr. President, for some time now, the Armed Services Committee has expressed its concern regarding the Department's approach to maintaining the reliability and safety of the Nation's enduring nuclear weapons stockpile. We are concerned that the Department's proposed Science-based Stockpile Stewardship and Management Plan may unnecessarily put our enduring nuclear forces at risk—both in terms of safety and reliability. We are concerned that the Department's plan to restore tritium production capabilities are not realistic and won't deliver the required quantities of tritium in the timeframe needed by the Department of Defense. We are further concerned that the pace of cleanup at former nuclear defense facilities may not be aggressive enough to meet the Department's stated 10-year cleanup goal.

We discussed these issues and others with Mr. Peña and generally found his responses to be informed and reasoned. Unfortunately, on at least two critical issues, Mr. Peña's testimony caused some level of concern.

When asked what action he would take in a hypothetical situation where he was informed by all three DOE weapons laboratory directors that a significant safety problem existed in a

nuclear weapon in the U.S. stockpile and that the only feasible way to fix that problem was to conduct an underground nuclear test, Mr. Peña stated that he would present the relevant information to the President, but steadfastly refused to acknowledge his responsibility to make a test or don't test recommendation to the President. I found his response troubling.

Mr. President, as the U.S. nuclear stockpile ages, the hypothetical situation I just described is not only plausible, but one that we could face in the very near future. Unfortunately, Mr. Peña's response was less than forthright. We expect every Cabinet Secretary to present all the relevant information to the President, but in this hypothetical, the Secretary would be required to do more than that. This situation requires that the Secretary of Energy make a recommendation to the President. Mr. Peña's refusal to commit to making such a recommendation raised considerable doubt regarding his understanding of the role that the Secretary of Energy plays in advising the President on nuclear matters and leads me to question his willingness to carry out the responsibilities of the Secretary of Energy.

My fear is that Mr. Peña does not recognize that our current confidence in the U.S. nuclear stockpile could diminish rapidly in the near future. The next Secretary of Energy must understand this reality and demonstrate a commitment to take all actions necessary to maintain the safety and reliability of our enduring nuclear deterrent. If he is confirmed, I hope to work closely with Mr. Peña to ensure the Department does not back away from its obligations in this area.

I also found Mr. Peña's commitment to restore U.S. tritium production less than satisfactory.

For my colleagues who do not know, tritium is a radioactive gas that is required in all modern nuclear weapons in the U.S. stockpile. Without tritium, our nuclear weapons cannot function. Because tritium decays at a rate of 5 and 5½ percent per year, it must be replaced in weapons at regular intervals. The U.S. stopped producing tritium in 1988 and current supplies are being exhausted.

The Department has pursued nearly a dozen different technical options for tritium production—at great cost to the taxpayers—and we are still no closer to restoring tritium production today than we were almost a decade ago. Meanwhile, our supply of tritium continues to degrade and our nuclear deterrent, which has served to protect this Nation for over 50 years, becomes incrementally less effective with each passing year.

Congress has consistently directed the Department to move more quickly to restore tritium production. In fact, the fiscal year 1997 Defense Authorization Act required DOE to make a decision on tritium this fiscal year. However, Mr. Peña endorsed the Department's current dual track strategy—

which will not result in the selection of a preferred option until fiscal year 1999—but, he also stated his intent to explore a new, third option. This is a recipe for disaster that will result in further delays and even more wasted taxpayer dollars.

The Department should stop studying this issue and move forward with a decision. I believe that such a decision can and should be made this fiscal year and I will look toward the next Secretary of Energy to provide leadership in this area.

These are two issues of deep concern to me and other members of the Armed Services Committee. I am looking for Mr. Peña to provide the Senate a clear answer on nuclear testing and demonstrate that he is willing to move more quickly on restoring tritium. It will be difficult for me to fully support Mr. Peña's nomination unless these issues are addressed.

Let me state that while I am very concerned about these issues, I remain openminded regarding Mr. Peña's nomination. I have made available in room 228 of the Russell Building a copy of the hearing transcript and Mr. Peña's responses to advance policy questions and posthearing questions. I encourage my colleagues to review these materials. I am certain that they will find them highly useful in making an informed determination on Mr. Peña's pending nomination.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 36. Joint resolution approving the Presidential finding that the limitation on obligations imposed by section 518(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the populations planning program.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 21. Concurrent resolution providing for an adjournment of both Houses.

The message further announced that pursuant to the provisions of section 1295b(h) of title 46 App., United States Code, the Speaker appoints the fol-

lowing Member on the part of the House to the Board of Visitors to the U.S. Merchant Marine Academy: Mr. KING.

The message also announced that pursuant to section 127 of Public Law 97-377 (2 U.S.C. 88b-3), the Speaker appoints the following Members on the part of the House to the Page Board: Mrs. FOWLER and Mr. KOLBE.

The message further announced that pursuant to the provisions of section 194(a) of title 14, United States Code, the Speaker appoints the following Member on the part of the House to the Board of Visitors to the U.S. Coast Guard Academy: Mrs. JOHNSON of Connecticut.

The message also announced that pursuant to the provisions of section 9355(a) of title 10, United States Code, the Speaker appoints the following Members on the part of the House to the Board of Visitors to the U.S. Air Force Academy: Mr. HEFLEY and Mr. YOUNG of Florida.

The message further announced that pursuant to the provisions of Public Law 96-388, as amended by Public Law 97-84 (36 U.S.C. 1402(a)), the Speaker appoints the following Members on the part of the House to the U.S. Holocaust Memorial Council: Mr. GILMAN, Mr. REGULA, Mr. LATOURETTE, and Mr. FOX.

The message also announced that pursuant to the provisions of sections 5580 and 5581 of the Revised Statutes (20 U.S.C. 42-43) the Speakers appoint the following Members on the part of the House to the Board of Regents of the Smithsonian Institution: Mr. LIVINGSTON and Mr. SAM JOHNSON of Texas.

The message further announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), the Speaker appoints the following Members on the part of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Mr. GINGRICH and Mr. MCDADE.

The message also announced that pursuant to the provisions of section 1505 of Public Law 99-498 (20 U.S.C. 4412), the Speaker appoints the following Member on the part of the House to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development: Mr. YOUNG of Alaska.

The message further announced that pursuant to the provisions of section 6968(a) of title 10, United States Code, the Speaker appoints the following Members on the part of the House to the Board of Visitors to the U.S. Naval Academy: Mr. GILCREST and Mr. SKEEN.

The message also announced that pursuant to the provisions of section 4355(a) of title 10, United States Code, the Speaker appoints the following Members on the part of the House to the Board of Visitors to the U.S. Military Academy: Mrs. KELLY and Mr. TAYLOR of North Carolina.

At 5:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the

following bill, in which it requests the concurrence of the Senate:

H.R. 581. An act to amend Public Law 104-208 to provide that the President may make funds appropriated for population planning and other population assistance available on March 1, 1997, subject to restrictions on assistance to foreign organizations that perform or actively promote abortions.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.J. Res. 36. Joint resolution approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 581. An act to amend Public Law 104-208 to provide that the President may make funds appropriated for population planning and other population assistance available on March 1, 1997, subject to restrictions on assistance to foreign organizations that perform or actively promote abortions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1092. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a report relative to criminal law jurisdiction; to the Committee on Armed Services.

EC-1093. A communication from the Chairman and Finance Committee Chairman of the Federal Election Commission, transmitting, pursuant to law, a supplemental request for funds for fiscal year 1997; to the Committee on Rules and Administration.

EC-1094. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Revenue Procedure 97-17 received on February 11, 1997; to the Committee on Finance.

EC-1095. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Walnuts Grown in California" (FV96-984-1) received on February 11, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1096. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of an intention concerning the allocation of funds; to the Committee on Foreign Relations.

EC-1097. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on economic policy and trade practices; to the Committee on Foreign Relations.

EC-1098. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to